

BOARD OF SUPERVISORS COUNTY OF TUOLUMNE

November 6, 2012

9:00 a.m.

The Board of Supervisors of the County of Tuolumne, State of California, met in regular session on the foregoing date with Supervisors: Richard H. Pland, Chair, Randy Hanvelt, Vice Chair; Elizabeth Bass, Evan Royce, and John L. Gray, being present. Also present were County Administrator Craig L. Pedro; Sarah Carrillo, Acting County Counsel; and Alicia L. Jamar, Chief Deputy Clerk of the Board.

Absent: None

Supervisor Liz Bass led the Pledge of Allegiance.

Oral Comm-
Election

Deborah Russell-Bautista, County Clerk and Auditor-Controller, addressed the Board and reminded members of the public to vote.

Oral Comm-Water

Ty Wivell addressed the Board and requested the activation of the Tuolumne County Water Services Agency and water rights in Tuolumne County.

The Chair directed staff to research the steps to rejuvenate the Tuolumne County Water Services Agency and return to the Board at a later date.

Oral Comm-
TUD

Ron Ringen, Director of Tuolumne Utilities District (TUD), addressed the Board and gave an update on TUD water and sewer issues and the status of the Integrated Regional Management Plan (IRWMP).

Pete Kampa, General Manager of Tuolumne Utilities District (TUD), addressed the Board on County water issues and water rights.

Consent Calendar

On motion of Supervisor Gray, seconded by Supervisor Bass, the following items on the Consent Calendar were approved by unanimous vote.

Minutes

1. Minutes of the meeting held October 2, 2012,

Ordinance
Summary

2. Finding that summaries of Ordinance Nos. 3206-3208 and 3209 were published October 5, 2012 and October 19, 2012 respectively, in The Union Democrat as required by law.

Conflict of Interest
Columbia Fire

3. Approving the Amendment to the Conflict of Interest Code for the Columbia Fire Protection District.

CIP-Sheriff
Upper Roof NOC

4. Approving a Notice of Completion for the Upper Sheriff Administration Reroofing project, authorizing the Chair to sign.

Archives-

5. Accepting the Preservation Needs Assessment for the Carlo M. De Ferrari

Needs Assess	Archive.
Class Spec- Equip Tech/Civil Engineer	6. Approving the revisions to the Equipment Technician I/II, Senior and Civil Engineer I/II/Senior Class Specifications.
Class Spec- Sr. Accountant	7. Approving the revisions to the of the Senior Accountant Class Specifications including incumbent reclassification and related modifications to position allocations.
TCPC-Resign	8. Accepting the resignation Gus Allegri from the Southern Tuolumne County Planning Commission and direct the Clerk of the Board of Supervisors to send a letter of appreciation and post a Notice of Vacancy.
Agree-Allvest Info Serv. Settlement	8A. Approving the Settlement Agreement and Mutual Release of All Claims between the County of Tuolumne and Allvest Information Services, Inc. reimbursing the County for services not provided, authorizing the Chair to sign and recognize unanticipated- refund revenue in the Probation Department's budget in the amount of \$22,310 and increase appropriations for software maintenance line item in the same amount.
Cty Service Awards - IT	<p>Daniel Richardson, Deputy County Administrator, gave a Presentation of County Service Award from the Information Technology Department.</p> <p>The Chair to presented the County Service Award to Barry Jacobs for 25 years of County service.</p> <p>Mr. Jacobs thanked the Board and his staff.</p>
Small Business Loan Appt	<p>Supervisor Royce declared a conflict of interest and left the dais at 9:21 a.m.</p> <p>Craig Pedro, County Administrator, requested consideration of approving an appointment of the small business representative to the Small Business Revolving Loan fund with no term limit and responded to questions from the Board.</p> <p>It was moved by Supervisor Bass, seconded by Supervisor Hanvelt, and carried by 4-0 vote with Supervisor Royce being absent, to approve the appointment of Steven Campbell, as the small business representative to the Small Business Revolving Loan fund with no term limit and directing the Clerk of the Board to post a notice of vacancy for the alternate position.</p> <p>Supervisor Royce returned to the dais at 9:23 a.m.</p>
Legislation- AB X129	<p>Tracie Riggs, Administrative Analyst requested consideration of approving correspondence opposition AB X1 29, State Responsibility Area (SRA) Fire Fee.</p> <p>It was moved by Supervisor Hanvelt, seconded by Supervisor Royce, and carried by unanimous vote, to approve correspondence opposition AB X1 29, State</p>

Responsibility Area (SRA) Fire Fee, authorizing the Chair to sign.

Surplus-Real
Property
Cedar Rd.

Mr. Richardson requested consideration of declaring surplus and dispose of real property with APN 044-430-32 located at 22044 Cedar Road in Sonora, setting a minimum bid of \$950,000, and authorizing a call for bid.

On motion of Supervisor Bass, seconded by Supervisor Royce, the following resolution was adopted by unanimous vote.

Resolution No. 66-12

Declaring surplus and dispose of real property with APN 044-430-32 located at 22044 Cedar Road in Sonora, setting a minimum bid of \$950,000, and authorizing a call for bid on November 29, 2012 at 9 a.m. in the Board of Supervisors Chambers located at 2 South Green Street in Sonora.

TPPA-Amended
w:JPA

Mr. Pedro and Kathleen Haff, Sr. Administrative Analyst, requested consideration of approving the Tuolumne Public Power Agency Amended and Restated Joint Powers Agreement for the County and responded to questions from the Board.

Sarah Carrillo, Deputy County Counsel, responded to questions from the Board.

Mr. Kampa addressed the Board.

On motion of Supervisor Gray, seconded by Supervisor Bass, the following resolution was adopted by unanimous vote.

Resolution No. 67-12

Approving the Tuolumne Public Power Agency Amended and Restated Joint Powers Agreement for the County, authorizing the Chair to sign.

TPPA-Rules &
Regs.

The Board of Supervisors recessed and reconvened as the Tuolumne Public Power Agency at 9:54 a.m.

Ms. Haff requested consideration of approving the Tuolumne Public Power Agency Rules and Regulations and responded to questions from the Board.

Mr. Pedro addressed the Board.

It was moved by Supervisor Gray and seconded by Supervisor Hanvelt, to approve the Tuolumne Public Power Agency Rules and Regulations.

Mr. Pedro addressed the Board and staff.

Motion carried unanimously.

The Tuolumne Public Power Agency recessed and reconvened as the Board of Supervisors at 10:00 a.m.

**CRA-Grant App
Roads/Bridges**

Tanya Allen, Civil Engineer, requested consideration of authorizing staff to prepare and administer federal funding applications for the replacement of bridges on Wards Ferry Road, Rawhide Road, and Crystal Falls Drive, the rehabilitation of a bridge on Ponderosa Way, and the replacement of a ford on Red Hills Road with a bridge and responded to questions from the Board.

It was moved by Supervisor Hanvelt, seconded by Supervisor Gray, and carried by unanimous vote, to authorize staff to prepare and administer federal funding applications for the replacement of bridges on Wards Ferry Road, Rawhide Road, and Crystal Falls Drive, the rehabilitation of a bridge on Ponderosa Way, and the replacement of a ford on Red Hills Road with a bridge

**CRA-Cty Traffic
Impact Mit Funds
Rpt**

Dana Austin, Community Resources Agency Business Manager, requested consideration of accepting the annual report pertaining to accounting activities relative to the County Traffic Impact Mitigation Funds during Fiscal Year 2011-2012 and responded to questions from the Board.

Beverly Shane, Community Resources Agency Director, responded to questions from the Board.

Mr. Pedro responded to questions from the Board.

It was moved by Supervisor Gray, seconded by Supervisor Hanvelt, and carried by unanimous vote, to accept the annual report pertaining to accounting activities relative to the County Traffic Impact Mitigation Funds during Fiscal Year 2011-2012.

**CRA-Cty Other
Traffic Impact Mit
Funds Rpt**

Ms. Austin requested consideration of accepting the annual report pertaining to accounting activities relative to the County's Other Traffic Mitigation Funds during Fiscal Year 2011-2012 and responded to questions from the Board.

It was moved by Supervisor Gray, seconded by Supervisor Hanvelt, and carried by unanimous vote, to accept the annual report pertaining to accounting activities relative to the County's Other Traffic Mitigation Funds during Fiscal Year 2011-2012.

**CRA-Tribal Rd Mit
Funds Rpt**

Ms. Austin requested consideration of accepting the annual report pertaining to accounting activities relative to the Tribal Road Mitigation Fund during Fiscal Year 2011-2012 and responded to questions from the Board.

It was moved by Supervisor Gray, seconded by Supervisor Royce, and carried by unanimous vote, to accept the annual report pertaining to accounting activities relative to the Tribal Road Mitigation Fund during Fiscal Year 2011-2012.

**CRA-Roads
Speed on 108 in
Strawberry**

Ms. Shane requested consideration of approving correspondence to the California Department of Transportation concerning its proposal to increase the speed limit from 40 to 45 miles per hour on State Route 108 from Post Mile 31.14 to Post Mile 31.93 in the Strawberry area and responded to questions from the Board.

It was moved by Supervisor Royce, seconded by Supervisor Hanvelt, and carried by unanimous vote, to approve correspondence with noted changes to the California Department of Transportation concerning its proposal to increase the speed limit from 40 to 45 miles per hour on State Route 108 from Post Mile 31.14 to Post Mile 31.93 in the Strawberry area, authorizing the Chair to sign.

Reports-Bass

Supervisor Bass reported that on October 22, 2012, she attended the Tuolumne County Youth Commission meeting and Board of Supervisors Solid Waste Committee meeting; on October 24th, she attended the Centenarian luncheon Centenarian and First 5 meeting; on October 25th, she attended the Behavioral Health meeting; and on October 30th, she attended the Amador-Tuolumne Community Action Agency (ATCAA) mentoring fund raiser.

Royce-Hanvelt

Supervisor Hanvelt reported that on October 16th he met with constituents; on October 17th, he attended the Board of Supervisors Housing Policy Committee meeting and a met real estate representatives; on October 18th he attended a meeting at the radio station, attended the Tuolumne County Visitor's Bureau meeting; on October 22nd, he met with Larry Cope and attended a Central Sierra Child Support Services Agency meeting; on October 23rd, he met with constituents and attended a Culture of Poverty conference; ; attended a Parks Appreciation Night and met with Kristin Olsen; on October 24th he met with staff; attended the Centurion luncheon; on October 25th, he attended a meeting on forest management in Apache County, Arizona, attended the Columbia College Community Chorus performance; on October 26th, he met with constituents and attended a meeting at the radio station and attended the retirement luncheon for Beth Hartline; on October 27th he attended the Tuolumne County Farm Bureau dinner; on October 29th, he attended a meeting at Indigeny; on October 30th, he attended a Tuolumne County Planning Commission meeting, met with constituents and met with staff; on October 31st, he attended a pesticide workshop; on November 1st he was the News Maker of the Day, met with Larry Cope and attended the Board of Supervisors Planning Committee meeting; on November 2nd, he toured Beardsley on November 5th, he attended a Governmental Affairs Council (GAC) meeting; attended a meeting at Phoenix Lake and attended a meeting at Comstock Ranch.

Reports-Royce

Supervisor Royce reported that on November 18th, he attended the Planning Committee Commission Task Force meeting; and met with Molly Fuller; on October 22nd, he attended the Central Sierra Child Support Services Agency meeting; on October 23rd, he attended a Railtown Park appreciation event.

Reports-Gray

Supervisor Gray reported that on October 22, 2012, he attended the Board of Supervisors Airport Committee meeting and a meeting with Susan Skalski on forest issues; October 23rd, he attended the Board of Supervisors Solid Waste Committee meeting; traveled to Salem, Oregon; on October 30th, he attended a Catholic Charities meeting; and Board of Supervisors Planning Committee (BOSPC) meeting and an ATCAA fund raiser; on October 31st he attended the Groveland Community Halloween Festival; on November 1st, he met with constituents and attended a BOSPC meeting.

Reports-Pland	Supervisor Pland reported that he attended a meeting with Susan Skalski on forest issues; he attended the Board of Supervisors Airport Committee meeting; he attended a CSU dinner; and traveled to Seattle, Washington.
Reports-Pedro	Mr. Pedro reported that he attended a winter storm preparedness meeting; reported on the security of exhibits; reported on pending; on October 18-19, 2012, he attended a County Administrators Conference; he reported on upcoming furlough schedules; and the process for CRA permits required for an emergency.
Reports-County Counsel	Ms. Carrillo reported on the conferences attended by attorneys in the Office of the County Counsel and the upcoming Ethics Training.
Reports-Clerk	<p>The Clerk of the Board reported that on October 22, 2012, she clerked the Tuolumne County Youth Commission meeting.</p> <p>The Clerk announced that Closed Session item numbers 21 and 22 have been pulled and will be held on November 13, 2012.</p>
Closed Session	The Board recessed at 10:50 a.m., to Closed Session - Public Employee Performance Evaluation (Authority: Government Code § 54957) - Title: County Administrator, reconvening at 1:30 p.m., the Chair announced there was nothing to report.
WA/Solar Use-T-Five Ranches and Echoplexus	<p>Public hearing was declared open to consider: T-FIVE RANCHES AND ECOPLEXUS, INC, 1) Application (WA12-002) to rescind existing and enter into a new Williamson Act Contract (04WA-073) on an 872.4± acre portion of a 887.0± acre project site, including approval of the Agricultural Management Plan; 2) Agreement to create a Solar-Use Easement for a 20 year minimum term pursuant to Government Code Section 51190 et seq on a 14.6± acre portion of the 887.0± acre project site; and 3. Conditional Use Permit CUP12-006 for the construction of a solar power generating facility on a 14.6± acre portion of the 887.0± acre project site that is zoned AE-37:AP (Exclusive Agricultural, Thirty-Seven Acre Minimum: Agricultural Preserve Combining) and is currently under Williamson Act land conservation contract 04WA-073, located at 5980, 5990, 6000 and 6060 O'Byrnes Ferry Road. It is a portion of Section 34, Township 1 North, Range 13 East; APNs 63-070-44, -62 and -64.</p> <p>Adam Paszkowski, Community Resources Agency Senior Planner, presented the staff report.</p> <p>Bill Nevin of Ecoplexus, Inc., spoke in favor and responded to questions from the Board.</p> <p>John Campana of Ecoplexus, Inc. responded to questions from the Board.</p> <p>Carlyn Drivdahl, Deputy County Counsel, responded to questions from the Board on condition number 5.</p>

Mr. Nevin responded to questions from the Board.

Ms. Drivdahl responded to questions from the Board.

Discussion ensued.

Stacy Dodge spoke in favor.

No one wished to speak, the public hearing was declared closed.

It was moved by Supervisor Gray to approve the project subject to refining or clarifying or agreeing upon the reclamation issues.

The motion died for lack of a second.

It was moved by Supervisor Hanvelt to approve the project subject to refining or clarifying or agreeing upon the reclamation issues and ensure that the improvements to the property and the Power Purchase Agreement are assigned to the property owner in the event that the applicant defaults.

Motion died for lack of a second.

Discussion ensued.

Ms. Drivdahl responded to questions from the Board whether scrap metal could be considered a performance bond.

Ms. Shane addressed the Board on the Security Agreement and financial assurance.

Rick Burkhart and Joe Martin addressed the Board.

Discussion ensued.

It was moved by Supervisor Pland, seconded by Supervisor Hanvelt, and carried by 4-1 vote with Supervisor Bass dissenting, to conditionally approve: 1) Negative Declaration, finding that: A. The proposed project will not result in significant adverse impacts to the environment; B. The Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA) and State and County guidelines for the implementation of CEQA; C. The Negative Declaration reflects the independent judgment of the County of Tuolumne; D. Pursuant to Section 21081.6(a)(1) of the Public Resources Code, a reporting and/or monitoring plan has been prepared, as incorporated into the conditions of approval of Conditional Use Permit CUP12-006, in order to avoid significant effects on the environment; E. The conditions of approval of Conditional Use Permit CUP12-006 are roughly proportional to the respective potential environmental impacts associated with the proposed project; F. Pursuant to Section 21081.6(a)(2) of the Public Resources Code, the custodian and location

of the documents and materials which constitute the record of proceedings upon which this decision to adopt the Negative Declaration had been made are as follows: i) Air Pollution Control Office, 22365 South Airport Road, Sonora, California; ii) Clerk of the Board of Supervisors, 2 South Green Street, Sonora, California; iii) Environmental Coordinator/Community Resources Director, Tuolumne County Community Resources Agency, 48 West Yaney, Sonora, California; and iv) Fire Prevention Division, Tuolumne County Fire Department, 48 West Yaney, Sonora, California; 2) rescinding the existing Williamson Act Land Conservation Contract, finding that: A. The project is consistent with the Tuolumne County General Plan; B. The project is in accordance with Tuolumne County Resolution 106-04; C. The project is in accordance with Section 51200 et seq of the California Government Code regarding agricultural land; D. The project site is in accordance with Section 51257 et seq of the California Government Code regarding lot line adjustments; 3. The Agricultural Management Plan, finding that: A. The Agricultural Management Plan is consistent with the Tuolumne County General Plan; B. The Agricultural Management Plan is in accordance with the Tuolumne County Ordinance Code; C. The Agricultural Management Plan is in accordance with Tuolumne County Resolution 106-04; D. The Agricultural Management Plan is in accordance with Section 51200 et seq of the California Government Code regarding agricultural land; 4. Solar-Use Easement for a 20 year minimum, finding that: A. The Solar-Use Easement is consistent with the Tuolumne County General Plan; B. The Solar-Use Easement is in accordance with the Tuolumne County Ordinance Code; C. The Solar-Use Easement is in accordance with Section 51190 et seq of the California Government Code regarding solar-use easements on agricultural land; 5. Conditional Use Permit CUP12-006 based on Conditions 1 through 40, finding that: A. The proposed development is consistent with the Tuolumne County General Plan; B. The proposed development is in accordance with the Tuolumne County Ordinance Code; C. The proposed project will not overburden existing municipal facilities; D. The size and terrain of the project site are suitable for the proposed use; and E. Under the circumstances of the particular case, the proposed use will not be substantially detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use, or be substantially detrimental or injurious to property and improvements in the neighborhood and return to the Board on November 13, 2012 at 1:30 p.m. to address condition number 5.

The Board recessed at 2:30 p.m. and reconvened at 2:35 p.m.

TCOC Chpt.
17.04, 17.65 and
17.66 Housing

Public hearing was declared open to consider: 1) Ordinance amending Chapters 17.04, 17.65 and 17.66 of the Tuolumne County Ordinance Code to convert the County's existing mandatory Inclusionary Housing Ordinance into a voluntary incentive based program; and 2) Resolution establishing incentives for the provision of Inclusionary Housing.

Ms. Shane presented the staff report and responded to questions from the Board.

Sheila Shanahan, Housing Program Coordinator, responded to questions from the

Board.

Karen Burhart, Tuolumne County Association of Realtors, spoke in favor.

No one wished to speak, the public hearing was declared closed.

It was moved by Supervisor Bass, seconded by Supervisor Royce, and carried by unanimous vote, to approve ordinance amending Chapters 17.04, 17.65 and 17.66 of the Tuolumne County Ordinance Code relative to Inclusionary Housing finding that: A. The proposed ordinance is consistent with the Tuolumne County General Plan; B. The proposed ordinance is in accordance with the Tuolumne County Ordinance Code; C. The proposed ordinance will assist the County in fulfilling its goals, policies and programs to increase the stock of affordable housing as provided in the Housing Element of the General Plan by establishing incentives for the development of new affordable housing; and D. The proposed ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines; 2. The following resolution to establish incentives for affordable housing, finding that: A. The proposed resolution is consistent with the Tuolumne County General Plan; B. The proposed resolution will encourage development of affordable housing by expanding the effectiveness of the County's Inclusionary Housing Program; C. The proposed resolution is not subject to review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines, and adopted the following ordinance and resolution.

Ordinance No. 3212

Amending Tuolumne County Ordinance Code by repealing and replacing Chapter 17.65 relative to Inclusionary Housing, Amending Chapter 17.04 by modifying the definitions of Affordable Housing, Affordable Housing Unit and Inclusionary Unit and adding a definition for extremely low-income household, amending Section 17.66.020 by adding a requirement to contribute to affordable housing, and adding Section 17.66.055 to establish a required finding for approving a Planned Unit Development Permit for residential development of five or more units relative to inclusionary housing.

Resolution No. 68-12

Establishing incentives for the provision of affordable housing.

GP-Circulation
Element

Public hearing was declared open to consider General Plan Amendment GPA12-001 to amend the Circulation Element of the Tuolumne County General Plan. The amendments to the Circulation Element include clarifying and modifying existing goals, policies and implementation programs and revising Appendix 2.A and Appendix 2.B. The project applies to the unincorporated area of Tuolumne County.

Mr. Paszkowski presented the staff report and responded to questions from the Board.

No one wished to speak, the public hearing was declared closed.

On motion of Supervisor Gray, seconded by Supervisor Royce, the following resolution was adopted by unanimous vote, finding that: A. The proposed General Plan Amendment is consistent with the Tuolumne County General Plan; B. It is in the public interest to amend the Circulation Element of the Tuolumne County General Plan to reflect changes in the County since its adoption in 1996; C. The General Plan Amendment is consistent with Section 65300 et seq. of the Government Code regarding General Plans; D. The General Plan Amendment is consistent with the Tuolumne County Regional Transportation Plan; and E. The General Plan Amendment is not subject to additional review under the California Environmental Quality Act (CEQA) pursuant to Section 15162 of the State CEQA Guidelines.

Resolution No. 69-12

General Plan Amendment GPA12-001 to amend the Circulation Element.

Closed Session

The Board recessed at 2:51 p.m., to continued Closed Session - **Public Employee Performance Evaluation** (Authority: Government Code § 54957) - Title: County Administrator, reconvening at 4:25 p.m, the Chair announced there was nothing to report.

The Chair adjourned the meeting at 4:25 p.m., to the next regular meeting scheduled for November 13, 2012, at 9:00 a.m.

APPROVED:



RICHARD H. PLAND, CHAIR

ATTEST:



Alicia L. Jamar, Chief Deputy
Clerk of the Board of Supervisors

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

ALICIA L. JAMAR
Clerk of the Board

By:

